

	<b>U.S. ENVIRONMENTAL PROTECTION AGENCY</b>  <b>Assistance Amendment</b>	ASSISTANCE ID NO.			DATE OF AWARD 09/15/2008
		PRG	DOC ID	AMEND#	
		A - 00408208 - 2			
		TYPE OF ACTION Augmentation: Increase			MAILING DATE 09/22/2008
PAYMENT METHOD: ASAP			ACH# 40376		
RECIPIENT TYPE: County			Send Payment Request to: Las Vegas Finance Center		
RECIPIENT: Memphis-Shelby County Health Dept 814 Jefferson Avenue Memphis, TN 38105 EIN: 62-6000841			PAYEE: Memphis-Shelby County Health Dept 814 Jefferson Avenue Memphis, TN 38105		
PROJECT MANAGER Robert Roger 814 Jefferson Avenue Memphis, TN 38105 E-Mail: Phone: 901-544-7775		EPA PROJECT OFFICER Marilyn Sabadaszka 61 Forsyth Street Atlanta, GA 30303-8960 E-Mail: sabadaszka.marilyn@epa.gov Phone: 404-562-9001		EPA GRANT SPECIALIST Barbara Strother Grants Management Office E-Mail: strother.barbara@epa.gov Phone: 404-562-8230	
PROJECT TITLE AND EXPLANATION OF CHANGES Air Pollution Control Program Support  This action approves an increase in the amount of \$90,500 to provide funding for the expansion of the scope of work for Memphis-Shelby County, Tennessee's Section 105 grant program to include a special project on Mobile Source Outreach Assistance. This project will focus on increasing the awareness of school-age children (grades K-12) about the impact of mobile source emissions on air quality.					
BUDGET PERIOD 10/01/2007 - 07/30/2009		PROJECT PERIOD 10/01/2007 - 07/30/2009		TOTAL BUDGET PERIOD COST \$4,180,589.00	
				TOTAL PROJECT PERIOD COST \$4,180,589.00	
<b>NOTICE OF AWARD</b>					
Based on your application dated 09/21/2007, including all modifications and amendments, the United States acting by and through the US Environmental Protection Agency (EPA), hereby awards \$90,500. EPA agrees to cost-share <u>12.00%</u> of all approved budget period costs incurred, up to and not exceeding total federal funding of \$538,323. Such award may be terminated by EPA without further cause if the recipient fails to provide timely affirmation of the award by signing under the Affirmation of Award section and returning all pages of this agreement to the Grants Management Office listed below within 21 days after receipt, or any extension of time, as may be granted by EPA. This agreement is subject to applicable EPA statutory provisions. The applicable regulatory provisions are 40 CFR Chapter 1, Subchapter B, and all terms and conditions of this agreement and any attachments.					
ISSUING OFFICE (GRANTS MANAGEMENT OFFICE)			AWARD APPROVAL OFFICE		
ORGANIZATION / ADDRESS  61 Forsyth Street Atlanta, GA 30303-8960			ORGANIZATION / ADDRESS U.S. EPA, Region 4 Air, Pesticides and Toxics Management Division 61 Forsyth Street Atlanta, GA 30303-8960		
THE UNITED STATES OF AMERICA BY THE U.S. ENVIRONMENTAL PROTECTION AGENCY					
SIGNATURE OF AWARD OFFICIAL Digital signature applied by EPA Award Official		TYPED NAME AND TITLE Elaine Curles, Grants Management Officer		DATE 09/15/2008	
<b>AFFIRMATION OF AWARD</b>					
BY AND ON BEHALF OF THE DESIGNATED RECIPIENT ORGANIZATION					
SIGNATURE 		TYPED NAME AND TITLE AC Wharton, Jr., Mayor		DATE 10/15/08	

APPROVED AS TO FORM  
AND LEGALITY:

  
Contract Administration/  
Assistant County Attorney

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FUNDS	FORMER AWARD	THIS ACTION	AMENDED TOTAL
EPA Amount This Action	\$ 447,823	\$ 90,500	\$ 538,323
EPA In-Kind Amount	\$ 0	\$	\$ 0
Unexpended Prior Year Balance	\$ 0	\$ 0	\$ 0
Other Federal Funds	\$ 0	\$ 0	\$ 0
Recipient Contribution	\$ 3,193,089	\$ 0	\$ 3,193,089
State Contribution	\$ 0	\$ 0	\$ 0
Local Contribution	\$ 0	\$ 0	\$ 0
Other Contribution	\$ 0	\$ 0	\$ 0
Allowable Project Cost	\$ 3,640,912	\$ 90,500	\$ 3,731,412

Assistance Program (CFDA)	Statutory Authority	Regulatory Authority
66.001 - Air Pollution Control Program Support	Clean Air Act: Sec. 105	40 CFR PTS 31 & 35 SUBPT A

[illegible]



Budget Summary Page: Memphis-Shelby County, TN Mobile Source Outreach Program, FY 08 Section 105 Program

Table A - Object Class Category (Non-construction)	Total Approved Allowable Budget Period Cost
1. Personnel	\$2,561,317
2. Fringe Benefits	\$683,871
3. Travel	\$20,300
4. Equipment	\$0
5. Supplies	\$75,676
6. Contractual	\$75,350
7. Construction	\$0
8. Other	\$141,240
9. Total Direct Charges	\$3,557,754
10. Indirect Costs: % Base	\$622,835
11. Total (Share: Recipient <u>88.00</u> % Federal <u>12.00</u> %.)	\$4,180,589
12. Total Approved Assistance Amount	\$538,323
13. Program Income	\$0
14. Total EPA Amount Awarded This Action	\$90,500
15. Total EPA Amount Awarded To Date	\$538,323

### **Administrative Conditions**

The following Conditions have been revised and added to read as follows:

#### **3. Recycling Term and Condition**

In accordance with the policies set forth in EPA Order 1000.25 and Executive Order 13423, Strengthening Federal Environmental, Energy and Transportation Management (January 24, 2007), the recipient agrees to use recycled paper and double sided printing for all reports which are prepared as a part of this agreement and delivered to EPA. This requirement does not apply to reports prepared on forms supplied by EPA, or to Standard Forms, which are printed on recycled paper and are available through the General Services Administration.

In accordance with EPA Order 1000.25 and Executive Order 13101, *Greening the Government Through Waste Prevention, Recycling, and Federal Acquisition*, the recipient agrees to use recycled paper for all reports which are prepared as a part of this agreement and delivered to EPA. This requirement does not apply to reports prepared on forms supplied by EPA, or to Standard Forms, which are printed on recycled paper and are available through the General Services Administration. Please note that Section 901 of E.O. 13101, dated September 14, 1998, revoked E.O. 12873, *Federal Acquisition, Recycling, and Waste Prevention* in its entirety.

#### **13. Trafficking Victims Protection Act of 2000**

- a. We, as the Federal awarding agency may unilaterally terminate this award, without penalty, if a subrecipient that is a private entity: (1) is determined to have violated an applicable prohibition in the Prohibition Statement below; or (2) has an employee who is determined by the agency official authorized to terminate the award to have violated an applicable prohibition in the Prohibition Statement below through conduct that is either: (a) associated with performance under this award; or (b) imputed to the subrecipient using the standards and due process for imputing the conduct of an individual to an organization that are provided in 2 CFR part 180, "OMB Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement)," as implemented by our agency at 2 CFR part 1532. You must inform us immediately of any information you receive from any source alleging a violation of a prohibition in the Prohibition Statement below.
- b. Our right to terminate unilaterally that is described in paragraph a of this award term: (1) implements section 106(g) of the Trafficking Victims Protection Act of 2000 (TVPA), as amended (22 U.S.C. 7104(g)), and (2) is in addition to all other remedies for noncompliance that are available to us under this award.
- c. You must include the requirements of the Prohibition Statement below in any subaward you make to a private entity.

**Prohibition Statement** - You as the recipient, your employees, subrecipients under this award, and subrecipients' employees may not engage in severe forms of trafficking in persons during the period of time that the award is in effect; procure a commercial sex act during the period of time that the award is in effect; or use forced labor in the performance of the award or subawards under the award.

All Other Administrative Conditions Remain the Same

### **Programmatic Conditions**

The following Conditions have been added to read as follows:

#### **EPA's Rights to Copyrighted Software and Written Materials:**

In accordance with 40 CFR 31.34 for State, local and Indian Tribal governments, EPA has the right to reproduce, publish, use and authorize others to use copyrighted works developed under this assistance



agreement for Federal purposes. Examples of Federal purpose include but are not limited to: 1) Use by EPA and other Federal employees for official Government purposes; 2) Use by Federal contractors performing specific tasks for the Government; 3) Publication in EPA documents provided the document does not disclose trade secrets (e.g., software codes), and the work is properly attributed to the recipient through citation or otherwise; 4) Reproduction of documents for inclusion in Federal depositories; 5) Use by State, tribal and local governments that carry out delegated Federal environmental programs as "co-regulators" or act as official partners with EPA to carry out a national environmental program within their jurisdiction; 6) Limited use by other grantees to carry out Federal grants provided the use is consistent with the terms of EPA's authorization to the grantee to use the copyrighted material.

**Reporting Requirements:**

In accordance with 40 CFR 31.40, the recipient agrees to submit performance reports on the Mobile Source Outreach Project that include brief information on each of the following areas: 1) a comparison of actual accomplishments to the outputs/outcomes established in the assistance agreement workplan for the period; 2) the reasons for slippage if established outputs/outcomes were not met; and 3) additional pertinent information, including, when appropriate analysis and information of cost overruns or high unit costs. Performance reports will be submitted quarterly. The first report is due thirty (30) days after the end of the first quarter; e.g., January 30, 2009. Additionally, a final report of the overall project including lessons learned will be submitted no later than ninety (90) days after the end of the project; e.g., October 30, 2009.

**EPA Substantial Involvement:**

Recipient will provide drafts of all classroom materials to Kelly Sheckler, EPA Technical Project Officer (TPO) for review prior to utilization in the classroom.

Recipient agrees to share selected emission control strategies and materials that will be sent home to parents with the EPA Technical Project Officer.

EPA will provide technical assistance in developing the curriculum for the training and EPA personnel may participate in the training as instructors at the grantee's request.

All Other Programmatic Conditions Remain the Same